

REMARKS

The Final Office Action dated November 17, 2000 and the Examiner's Answer dated November 27, 2001, in light of the Decision on Appeal from the Board of Patent Appeals and Interferences dated April 29, 2004, have been considered. Favorable reconsideration and allowance of the subject application are respectfully requested in view of the following remarks.

Summary of the Final Office Action and the Decision on Appeal

Claims 2-4, 6, 8, 9, 15, 20 and 22-24 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over U.S. Patent No. 3,079,472 to Sariti ("Sariti") in view of U.S. Patent No. 4,969,196 to Nakamura ("Nakamura"). Claims 5, 7, 14, 16, 21 and 25-29 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over Sariti in view of Nakamura and further in view of GB Patent No. 2,278,251 to Lee et al. ("Lee") or JP Patent No. 55-118299 to Numa ("Numa"). According to the Decision on Appeal, the rejections of the Examiner are affirmed.

Summary of the Response to the Office Action

Applicants amend independent claims 4, 6, 20, 23, 25 and 28 by this amendment. Accordingly, claims 2-9, 14-16, 20-29 remain currently pending.

All Subject Matter Is Allowable

Claims 2-4, 6, 8, 9, 15, 20 and 22-24 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over Sariti in view of Nakamura. Claims 5, 7, 14, 16, 21 and 25-29 stand rejected under 35 U.S.C. § 103(a) as unpatentable over Sariti in view of Nakamura and further in view of either Lee or Numa. Applicants respectfully traverse these rejections because Sariti, Nakamura,

Lee or Numa, singularly or in combination, fail to teach or suggest the claimed invention as a whole as recited in amended independent claims 4, 6, 20, 23, 25 and 28.

Independent claims 4, 6, 20, 23, 25 and 28 have been newly amended to recite a speaker unit comprising, among other features, a rectangular frame and a top plate “wherein the rectangular frame is mounted on the top plate and formed with a through hole on its bottom for inserting the voice coil into a magnetic gap formed between the through hole of the top plate and the integrally formed pole of the back plate, and wherein the top plate, the plate-shaped magnet and the back plate are all accommodated in a case made of a magnetic material, with the top plate serving as a cap for the case.” Support for the amendments to claims 4, 6, 20, 23, 25 and 28 is provided by the originally filed application at, for example, page 4, lines 5-12 and Figure 1.

Applicants respectfully submit that Sariti, whether taken alone or in combination with Nakamura, Lee or Numa, fails to teach or suggest the invention as a whole. As acknowledged by the Examiner, Sariti in view of Nakamura does not teach a magnetic case as claimed in previously presented claims 5 and 7. (Examiner’s Answer at 5). To cure this deficiency and support the assertion that providing a magnetic case for housing the magnetic circuit is well-known in the art, the Examiner relies on Lee or Numa. (*Id.*) (citing Lee, reference numeral 111 and Numa, reference numeral 26). However, Applicants respectfully submit that none of the cited references, alone or in combination, show or describe a speaker unit in which a top plate, a plate-shaped magnet and a back plate are enclosed in a case made of magnetic material with the top plate serving as a cap for the case.

Moreover, the embodiments of the invention as now claimed in the combinations of newly amended claims 4, 6, 20, 23, 25 and 28 advantageously provide an adequate driving force to drive the speaker unit and to ensure an increased driving sensitivity. The speaker case, made

of magnetic material, accommodates the magnetic circuit formed by the top plate, the plate-shaped magnet and the back plate. Because the top plate is disposed so as to serve as a cap for the case, Applicants respectfully submit that the case guards the magnetic flux leaking from the plate-shaped magnet and then guides it towards the top plate. As a result, a high-density magnetic flux from the plate-shaped magnet is obtained having an effective area with respect to the rectangular frame. In addition, the case and top plate configuration can effectively lead the magnetic flux to the magnetic gap formed between the center pole and the inner walls of the respective through holes of the top plate, the plate-shaped magnet and the back plate, thereby providing an adequate driving force for driving the speaker unit and ensuring an increased driving sensitivity. Applicants believe these advantages to be difficult to realize from the disclosures of the cited references.

Applicants respectfully assert that the rejections under 35 U.S.C. § 103(a) should be withdrawn because Sariti, Nakamura, Lee and Numa, whether taken singly or combined, fail to teach or suggest each feature of independent claims 4, 6, 20, 23, 25 and 28, as amended. MPEP § 2143.03 instructs that "[t]o establish prima facie obviousness of a claimed invention, all the claim limitations must be taught or suggested by the prior art. In re Royka, 409 F.2d 981, 180 USPQ 580 (CCPA 1974)." Furthermore, Applicants respectfully assert that dependent claims 2-3, 5, 7-9, 14-16, 21-22, 24, 26, 27 and 29 are allowable at least because of their respective dependence from claims 4, 6, 20, 23, 25 and 28 and the reasons set forth above.

CONCLUSION

In view of the foregoing amendments and remarks, withdrawal of the rejections and allowance of the pending claims are earnestly solicited. Should there remain any questions or comments regarding this response or the application in general, the Examiner is urged to contact the undersigned at the number listed below.

If there are any other fees due in connection with the filing of this response, please charge the fees to our Deposit Account No. 50-0310. If a fee is required for an extension of time under 37 C.F.R. § 1.136 not accounted for above, such extension is requested and the fee should also be charged to our Deposit Account.

Respectfully submitted,

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